

Appl. No. : 09/581,457  
Filed : September 11, 2000

### REMARKS

In the outstanding Office Action, the Examiner has rejected Claims 21-44. Claims 21-44 have been canceled, and Claims 45-61 have been added. No new matter has been added. Thus, Claims 45-61 are presented for further examination. Allowance of all Claims 45-61 in light of the present remarks is respectfully requested.

#### WIPO Publication No. WO 95/17076 to Luijten

Applicant respectfully submits that new Claims 45, 57, and 61 recite patentable subject matter, wherein the prior art of record fails to teach or suggest every element as set forth in each of the claims. For example, Luijten fails to teach or suggest a store for storing the data for processing, and resource allocation based on subscriber-specific data. Claims 45, 57, and 61 describe an arrangement wherein proactive resource allocation can be performed by accessing handover-related data stored in a store, and processing the accessed data to identify suitable resource allocation. As the processing is dependent on subscriber data, handover decisions can be made on the basis of information that is not available at the switch, base station, or mobile station level.

Because Claims 46-56, and 58-59 depend from Claims 45 and 57, pursuant to 35 U.S.C. § 112, ¶ 4, they incorporate by reference all the limitations of the claim to which they refer. It is therefore submitted that these claims are in condition for allowance at least for the reasons expressed with respect to the independent claim, and for their other features.

#### U.S. Patent No. 5,960,355 to Ekman, et al. and U.S. Patent No. 5,657,487 to Doner

Ekman describes a method and system for identifying a geographical location of a mobile station based on signal strength data transmitted from the mobile station by SMS data. The signal strength data is transmitted in response to requests from a central service node. However, Ekman does not describe a method of allocating radio resources to a mobile station in a cellular communications system as recited in Claim 60.

Specifically, Ekman fails to teach or suggest "receiving a handover request in response to conditions satisfying one or more predetermined criteria, wherein the handover request is encapsulated as an SMS message so as to prevent the serving base station from intercepting the radio resource signalling report".

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Doner describes a method of allocating radio resources, wherein signaling data is sent to the base station. The signaling data sent to the base station thereafter controls a handover procedure between base stations. *Doner at col. 4, lines 16-60.* The process described by Doner, however, is concerned with identifying the location of a mobile station. Handover is relevant in so far as the location of a mobile station is identified on the basis of signal strength data that is sent to the base station as part of conventional handover procedures. *Col. 2, lines 12-16 and lines 38-44.*

Doner fails to teach or suggest that the cellular communications system has access to stored data for use in performing handover decisions, and instead discloses a process where handover decisions are made on the basis of signal strength data received in real time at the base station. Furthermore, Doner fails to teach or suggest that the handover request is encapsulated as an SMS message so as to prevent the serving base station from intercepting the radio resource signaling report. In contrast, the signal strength measurements are intended for the base station to perform handover procedures. *Col. 4, lines 54-60.*

Thus, neither Ekman nor Doner, either alone or in combination, teach or suggest every element as recited in Claim 60. Applicant respectfully submits that Claim 60 recites patentable subject matter and is therefore in condition for allowance.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

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